

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6725**

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REX EUGENE LOVE,

Petitioner - Appellant,

versus

ART BEELER, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (CA-04-120-5-FL)

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Submitted: August 26, 2004

Decided: September 2, 2004

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Before WIDENER and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Rex Eugene Love, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Rex Eugene Love seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000)\* as successive. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Love has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.

To the extent Love's notice of appeal and informal brief could be construed as a motion for authorization to file a successive § 2255 motion, we deny such authorization. United States v. Winestock, 340 F.3d 200, 208 (4th Cir.), cert. denied, 124 S. Ct. 496 (2003). We dispense with oral argument because the

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\*The action was originally filed under 28 U.S.C. § 2241 (2000).

facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED